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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,690	03/21/2001	Tamim K. Mourad	1921-00101	3441
23505	7590	02/11/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			HO, THOMAS Y	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 02/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/813,690

Applicant(s)

MOURAD ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 25, 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1 and 25-26 are pending. Claims 2-24 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Vig US6038554.**

As to claim 25, Vig discloses, a computer (central computer) coupled to a network 61 (Figure 2) and configured to provide a service, wherein the service comprises: building a database of products 67 (Figure 2) that includes a wholesale price 1103 (Figure 11) as a reference price for each product; and importing retail prices 1102 (Figure 11) for each product from retailers of the products.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3677

**Claims 1 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vig US6038554 in view of consumerreports.org retrieved from archive.org, and available to the public on or before 02/03/1999 (hereinafter referred to only as CR).**

As to claim 1, Vig discloses, a method of selling a product via a web site, wherein the method comprises: building a database of products 67 (Figure 2) that includes a reference price 1103 (Figure 11) for each product; importing retail prices 1102 (Figure 11) for each product from retailers of the products; providing a list of products 81 (Figure 3) to a customer; receiving a product selection 82 (Figure 3) from the customer; providing a list of retailers 1101 (Figure 11) to the customer for the product selection, wherein the list includes a price difference 1107 (Figure 11) for each retailer on the list; receiving lists of wholesale prices 1103 (Figure 11) from distributors of the products. The difference between the claim and Vig is the claim recites, a reference price difference for each retailer, and setting the reference price for each product equal to a lowest wholesale price. CR discloses a car comparison web site similar to that of Vig. In addition, CR further teaches that the reference price for calculations and differences should be the wholesale price and not the retail price (see section titled "Tips on How to Buy Your New Car From Consumer Reports"). It would have been obvious to one of ordinary skill in the art, having the disclosures of Vig and CR before him at the time the invention was made, to modify the reference price, and the price difference to be based on the wholesale price instead of the retail price, as in CR, to obtain a reference price difference based off of the wholesale price. One would have been motivated to make such a combination because the ability to bargain and negotiate a fair price would have been achieved, as taught by CR.

Art Unit: 3677

As to claim 26, Vig discloses, wherein the service further comprises: providing a list of products 81 (Figure 3) to a customer; receiving a product selection 82 (Figure 3) from the customer; and providing a list of retailers 1101 (Figure 11) to the customer for the product selection, wherein the list includes a price difference 1107 (Figure 11) for each retailer in the list. CR teaches to use the reference price to calculate the price difference, instead of the retail price.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 25-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US5978776 to Seretti discloses a vehicular data exchange system.

US6266651 to Woolston discloses 2-tiered e-commerce with retailers, wholesalers, and customers.

US6615184 to Hicks discloses a system and method for providing customers with information on suppliers.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3677

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY  
PRIMARY EXAMINER